

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANDRIAN SHERMAN,	)	CASE NO. C07-0778-MJP-MAT
	)	
Plaintiff,	)	
	)	
v.	)	ORDER DENYING PLAINTIFF'S
	)	MOTION FOR EXTENSION OF TIME
PATRICK BARNES, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff is a prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The Court previously issued an Order setting November 1, 2007 as the deadline for discovery in this matter. (Dkt. No. 19). On September 19, 2007, plaintiff filed a motion for summary judgment. (Dkt. No. 22). On October 30, 2007, plaintiff filed a motion to extend the discovery deadline.<sup>1</sup> (Dkt. No. 31). Having reviewed plaintiff's motion and the balance of the record, the Court does hereby find and ORDER:

(1) Plaintiff's motion for an extension of time was not served on defendants, as required by Local Rule CR 5(f) and the General Order that was mailed to plaintiff on June 26,

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<sup>1</sup> Although the motion was not received by the Court until November 9, 2007, plaintiff signed the motion on October 30, 2007, which is the date that it is deemed filed under the "prison mailbox rule." See *Houston v. Lack*, 487 U.S. 266, 270 (1988).

2007. (Dkt. No. 7). Ordinarily, the Court would strike plaintiff's motion for failure to comply with this rule; however, in the interest of time, the Court will address the motion.

As reasons for the extension of time, plaintiff states that he was transferred to another prison, was separated from his legal papers, and has fewer hours available to him at the prison's law library. (Dkt. No. 31 at 1). While these reasons are credible, plaintiff's request for an extension of time seems inconsistent with his filing a motion for summary judgment two months ago. In his request for an extension of time, plaintiff does not explain why he has a sudden need to conduct further discovery at this stage of the proceedings. Indeed, plaintiff's motion for summary judgment has already been renoted once, at the request of the defendants so they complete discovery before filing their response. (Dkt. No. 29). Plaintiff does not indicate why he did not request further discovery at that point. Accordingly, plaintiff's motion for an extension of time to conduct further discovery (Dkt. No. 31) is DENIED.

(2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants, and to the Honorable Marsha J. Pechman.

DATED this 20th day of November, 2007.

  
Mary Alice Theiler  
United States Magistrate Judge